

LAW OFFICES OF JOEL W. BARUCH, P.C.

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July 11, 2012

VIA PERSONAL DELIVERY

Nicholas Chrisos
Orange County Counsel
333 W. Santa Ana Boulevard, 4th Floor
Santa Ana, CA 92701

Sunny Bittle
Claims Manager
COUNTY OF ORANGE
Office of Risk Management
600 West Santa Ana Boulevard, Suite 104
Santa Ana, California 92701

Steve Danley
Human Resources
333 W. Santa Ana Boulevard, 2nd Floor
Santa Ana, CA 92701

Re: [REDACTED] Retaliation Issues of Alisa Drakodaidis

Dear Mr. Chrisos, Ms. Bittle, and Mr. Danley:

By way of introduction, I have been retained as the legal counsel for Deputy CEO Alisa Drakodaidis in connection with all matters related to her employment. Previously, I filed a complaint with the Department of Fair Employment and Housing (DFEH) on her behalf, alleging gender discrimination against her employer. In case you were not served with a copy of that DFEH complaint, I am attaching a copy of the complaint and notice of case closure as Exhibit A.

As of today, Ms. Drakodaidis has been taken out of work for a [REDACTED]. She is invoking her rights under the [REDACTED]. I have attached a copy of the [REDACTED] as Exhibit B, indicating she is [REDACTED] and also indicating that her estimated return to work date will be August 31, 2012. I will let you know if her [REDACTED] indicates she needs more time. Ms. Drakodaidis indicates that she has 400 hours or so of accrued leave time and would like to use that to the extent possible.

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I am also noting that her [REDACTED] has been, to a large degree, caused by the retaliation and/or threatened retaliation she has suffered from the Board of Supervisors and the District Attorney's Office. In her Deputy CEO position, she has addressed matters pertaining to public policy issues, which include, but are not limited to, the following:

- She felt threatened by the conduct of attorneys and investigators from the District Attorney's Office who ultimately recommended the filing of criminal charges against Carlos Bustamonte. The alleged conduct which prompted the criminal charges is, at most, representative of conduct in a garden-variety sexual harassment civil case. By charging Mr. Bustamonte criminally, the DA of this County is apparently motivated by using his office to exact revenge for CEO Mauk's participation in the removal of John S. Williams as Public Guardian. For the DA's purposes, anyone in the leadership chain between Bustamonte and Mauk is fair game. Regardless, Ms. Drakodaidis fully cooperated with District Attorney investigators despite their rude and threatening behavior. As to County Counsel, Ms. Drakodaidis successfully challenged their initial reporting position to the Board that the office had no involvement in the Carlos Bustamonte internal investigation report, findings, recommendations, and/or drafting of Mr. Bustamonte's resignation letter. As it turns out, County Counsel apologized for their inaccurate reporting to the Board and reputed "lapse of memory".

- Ms. Drakodaidis is also being retaliated against because she has reported several EEO complaints which were brought to her attention—including, but not limited to, the complaints of three protected class OC Public Works employees, one protected class employee in the CEO's office, and one former OC Waste & Recycling and current CEO employee. Some of these EEO complaints were registered against Board Members and their current and former staff. One EEO complaint was registered against an attorney with the County Counsel's office. She also challenged an HR audit focus on six (6) protected class employees who were being subjected to disparate treatment.

- Ms. Drakodaidis has investigated and/or reported on sensitive political issues, such as possible deletion of emails by former staff member of Supervisor Nguyen and current City of Huntington Beach Councilman Matthew Harper and his administrative manager/ supervisor (Chip Monaco). As is well known, Mr. Monaco was the former chief of staff for Supervisor Bates. Ms. Drakodaidis, on behalf of herself and her employee Brad Gross, also addressed the efforts of Supervisor Bates to "change" the application of a sex offender ordinance which the Supervisor had previously approved, so as to allow the sex offender son of a friend of Supervisor Bates to continue working at his job at the Dana Point Harbor.

- Ms. Drakodaidis also was vocal in objecting to specific hiring and funding decisions which, in her reasoned opinion, violated the public trust and appropriate OC recruitment processes. One example is the recent recruitment and promotion of former executive assistant to Supervisor Bates, Bryan Probolsky, to the position of administrative manager II in OC Community Resources (i.e., allowing an unprecedented increase of salary of about 80% from \$31.00 per hour to \$56.00 per hour, [REDACTED]).

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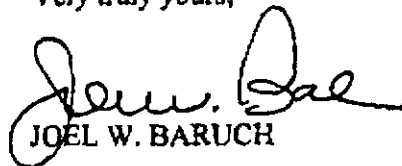
[REDACTED]

■ Ms. Drakodaidis also ensured that suspected fraudulent activity of campaign supporters of Supervisor Bates was investigated and, in both cases, proven.

I have instructed Ms. Drakodaidis not to take any calls from her employers, including Mr. Mauk and the Board of Supervisors, during her [REDACTED] leave of absence. In fact, this morning, I returned Supervisor Nguyen's call to Ms. Drakodaidis and spoke with one of the Supervisor's staff members and relayed that same message.

If her employers need to contact Ms. Drakodaidis about any matter whether or not related to her employment, they are instructed to speak with me first. If any of you need further information about Ms. Drakodaidis' work status, I will be happy to provide you with the details.

Very truly yours,


JOEL W. BARUCH

JWB/cm

cc: Client

EXHIBIT A

*** EMPLOYMENT ***

**COMPLAINT OF DISCRIMINATION UNDER
THE PROVISIONS OF THE CALIFORNIA
FAIR EMPLOYMENT AND HOUSING ACT**

DFEH # **E28111203535-00**

OPEN USE ONLY

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

YOUR NAME (Indicate Mr. or Ms.)

DRAKODADIS, ALISA

TELEPHONE NUMBER (INCLUDE AREA CODE)

(714) 834-8888

ADDRESS

**C/O LAW OFFICES OF JOEL W. BARUCH, PC 2020 MAIN
STREET, SUITE 900**

CITY/STATE/ZIP

IRVINE, CA 92614

COUNTY

ORANGE

COUNTY CODE

000

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO
DISCRIMINATED AGAINST ME:

NAME

COUNTY OF ORANGE

TELEPHONE NUMBER (Include Area Code)

(714) 834-8888

ADDRESS

10 CIVIC CENTER PLAZA

OPEN USE ONLY

CITY/STATE/ZIP

SANTA ANA, CA 92701-4082

COUNTY

ORANGE

COUNTY CODE

000

NO OF EMPLOYEES/MEMBERS (if known)

5000+

DATE MOST RECENT OR CONTINUING DISCRIMINATION
TOOK PLACE (month, day, and year)

05/09/2012

RESPONDENT CODE

00

THE PARTICULARS ARE:

I allege that on about or before
05/09/2012, the following
conduct occurred:

- | | | |
|--|---|--|
| <input type="checkbox"/> termination | <input type="checkbox"/> denial of employment | <input type="checkbox"/> denial of family or medical leave |
| <input type="checkbox"/> test of | <input type="checkbox"/> denial of promotion | <input type="checkbox"/> denial of pregnancy leave |
| <input checked="" type="checkbox"/> demotion | <input type="checkbox"/> denial of transfer | <input checked="" type="checkbox"/> denial of equal pay |
| <input type="checkbox"/> harassment | <input type="checkbox"/> denial of accommodation | <input type="checkbox"/> denial of right to work |
| <input type="checkbox"/> genetic characteristics testing | <input type="checkbox"/> failure to prevent discrimination or retaliation | <input type="checkbox"/> denial of property reimbursement |
| <input type="checkbox"/> constructive discharge (forced to quit) | <input type="checkbox"/> retaliation | |
| <input type="checkbox"/> impermissible non-job related inquiry | <input type="checkbox"/> other (specify) _____ | |

by **COUNTY OF ORANGE**

because of:

Name of Person

☒ sex

☐ age

☐ religion

☐ race/ethnicity

☐ national origin/ancestry

☐ marital status

☐ sexual orientation

☐ association

Job Title (supervisor/manager/personnel director)

☐ disability (physical or mental)

☐ medical condition (injury or

genetic characteristics

☒ other (specify) **Gender Discrimination**

☐ retaliation for engaging in protected

activity or requesting a protected

leave or accommodation

State of what you
believe to be the
reason(s) for
discrimination

I AM A FEMALE EXECUTIVE WITH THE COUNTY OF ORANGE WHOSE JOB TITLE IS DEPUTY CEO. RECENTLY, MY ANNUAL COMPENSATION WAS REDUCED WITHOUT MY CONSENT AND AGAINST MY WISHES BECAUSE OF MY GENDER (FEMALE). THE BASIS FOR THE REDUCTION AND WORKING TO DO WITH MY PERFORMANCE. I HAVE BEEN TREATED DIFFERENTLY THAN SIMILARLY SITUATED MALE EXECUTIVES IN COUNTY GOVERNMENT BECAUSE OF MY GENDER, AND I HAVE NOT BEEN GIVEN THE EQUIVALENT COMPENSATION OF SIMILARLY SITUATED MALE EXECUTIVES GIVEN MY EXECUTIVE JOB CAPACITY, EDUCATION, AND EXPERIENCE.

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right to sue. I understand that if I need a federal order of right to sue, I must wait the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated **05/09/2012**

At **Irvine**

DATE FILED **05/09/2012**

DFEH-100-050 (03/08)
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

STATE OF CALIFORNIA

***** EMPLOYMENT *****

**COMPLAINT OF DISCRIMINATION UNDER
THE PROVISIONS OF THE CALIFORNIA
FAIR EMPLOYMENT AND HOUSING ACT**

DFEH #

E20111205885-08

DFEH USE ONLY

State of what you
believe to be the
reason(s) for
discrimination

I AM A FEMALE EXECUTIVE WITH THE COUNTY OF ORANGE WHOSE JOB TITLE IS DEPUTY CEO. RECENTLY, MY ANNUAL COMPENSATION WAS REDUCED WITHOUT MY CONSENT AND AGAINST MY WISHES BECAUSE OF MY GENDER (FEMALE). THE BASIS FOR THE REDUCTION HAD NOTHING TO DO WITH MY PERFORMANCE. I HAVE BEEN TREATED DIFFERENTLY THAN SIMILARLY SITUATED MALE EXECUTIVES IN COUNTY GOVERNMENT BECAUSE OF MY GENDER, AND I HAVE NOT BEEN GIVEN THE EQUIVALENT COMPENSATION OF SIMILARLY SITUATED MALE EXECUTIVES GIVEN MY EXECUTIVE JOB CAPACITY, EDUCATION, AND EXPERIENCE.



STATE OF CALIFORNIA - STATE AND CONSUMER SERVICES AGENCY

EDMUND G. BROWN, JR., Governor

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2570 NORTH FIRST STREET, SUITE 480, SAN JOSE, CA 95131

(408) 325-0344

www.dfeh.ca.gov

Phyllis W. Chang, Director

May 09, 2012

RE: E201112G5585-00
DRAKODAIDIS/COUNTY OF ORANGE

NOTICE TO COMPLAINANT'S ATTORNEY

Enclosed is a copy of your client's complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also enclosed is a copy of your client's Notice of Case Closure, which constitutes your client's right-to-sue notice. Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer.

Please refer to the enclosed Notice of Case Closure for information regarding filing a private lawsuit in the State of California.

Sincerely,

Marlene Massetti
District Administrator

Enclosure: Complaint of Discrimination
Notice of Case Closure



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2570 NORTH FIRST STREET, SUITE 480, SAN JOSE, CA 95131
(408) 325-0344
www.dfeh.ca.gov

Phyllis W. Chang, Director

May 09, 2012

DRAKODIDIS, ALISA
C/O LAW OFFICES OF JOEL W. BARUCH, PC 2020 MAIN
STREET, SUITE 900
IRVINE, CA 92614

RE: E201112G5585-00
DRAKODIDIS/COUNTY OF ORANGE

Dear DRAKODIDIS, ALISA:

NOTICE OF CASE CLOSURE

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective May 09, 2012 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

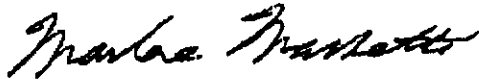
This letter is also the Right-To-Sue Notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

If a federal notice of Right-To-Sue is wanted, the U.S. Equal Employment Opportunity Commission (EEOC) must be visited to file a complaint within 30 days of receipt of this DFEH *Notice of Case Closure* or within 300 days of the alleged discriminatory act, whichever is earlier.

Notice of Case Closure
Page Two

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,



Marlene Massetti
District Administrator

cc: Case File

TERI BRUNER
ACTING DIRECTOR
HUMAN RESOURCES/ ORANGE COUNTY
10 CIVIC CENTER PLAZA, 2D FLOOR
SANTA ANA, CA 92701-4062

EXHIBIT B

[REDACTED]

[REDACTED]

07/10/2012

ToWhom It May Concern:

Re: Ailsa Scheldel Drakodaidis

[REDACTED]

[REDACTED]

Sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] 07/10/2012 3:50 PM

Document generated by: [REDACTED] 07/10/2012 3:50 PM



CONFIDENTIAL

County Executive Office
Memorandum

July 12, 2012

To: Chairman John M.W. Moorlach, Supervisor, Second District
Members, Board of Supervisors

From: Thomas G. Mauk, County Executive Officer

Subject: Letter from Joel Baruch - Attorney Representing Alisa Drakodaidis

I have had the opportunity to review the letter with attachments submitted by Mr. Joel Baruch, Alisa Drakodaidis' attorney, making certain allegations as respects being retaliated against and that being the basis for actions which have been taken relative to Alisa over the past several months or year. I am not too concerned about those allegations because, as I have reviewed them, there is very little substance and they are easy to refute when and if that becomes necessary. I am not pleased about her "attacking" a Board member, so I feel a need to respond so you can understand the reality of the various events which Alisa attempts to address.

The first bullet really doesn't deserve, or need much in the way of comment or response. This is a complaint about the behavior of the DA investigators who interviewed Alisa on one or more occasions. Relative to the suggestion that the District Attorney is motivated by "CEO Mauk's participation in the removal of John Williams as Public Guardian", nothing in my opinion could be further from the truth. There are two points here: (1) Tony Rackauckas, as best I recall, never talked to me about John Williams and the situation with the Public Guardian. (2) The Orange County District Attorney is among the best in the business and in my opinion, there is no possibility that he or his staff would use the resources at the office for anything other than an open and honest investigation.

As respects the second bullet, this has some truth to it as respects people coming to Alisa over time with complaints about harassment and treatment. The reference here is that she followed the procedure and referred those to the EEO Office in the Central Human Resources (HR) Department. Therefore, there is not much in the way of content except

that the proper procedures were followed. The last sentence refers to the HR audit and that is behind us and stands on its own.

In connection with the third bullet, the suggestion that she investigated and reported on issues relative to Matt Harper simply is not true. Matthew had his emails as a topic of a public records request by Norberto Santana. At one point, it was suggested that some of the emails had been deleted. I was personally involved in looking into that with Mike Giancola. We found nothing to indicate that that had been the case. Subsequently, Norberto submitted a public records request for deleted emails. We again searched and found no evidence that had been the case and Norberto did not pursue his public records request.

As respects the suggestion that Supervisor Bates was involved in changing the application of a sex offender ordinance, again, Alisa was not involved in anything of that nature. Supervisor Bates and I discussed, on a number of occasions, how the sex offender ordinance applied to Dana Point Harbor, how a sex offender would be able to get back and forth to work if in fact employed in the Harbor. We explored a number of options and found no good solution, so the matter was not pursued any further. Supervisor Bates behaved in all conversations in this matter in a professional manner and in a way that had utmost concern for sex offenders being in the Harbor on a recreational basis.

As respects the fourth bullet, Alisa was repeatedly vocal, as she has suggested, in the transfer of Brian Probolsky to a new position of Administrative Manager II. It finally got to the point where I had to tell her not to bring it up anymore. The hiring of Brian Probolsky in the Community Resources Department was done within County procedure, including recruitment, testing and interviewing, and appointment at a salary which was about the average of other Administrative Manager II positions within the County. Alisa just didn't, for some reason, like Brian Probolsky's efforts to move from the Executive Assistant position to a full-time Administrative Manager II.

Finally, as respects to the last bullet of "suspected fraudulent activity", that matter has come up within the last two weeks, and I believe the Board has been advised. Supervisor Bates was not involved in that in any way other than to be informed very briefly by me that this had occurred in the Harbor. Other than that, the Internal Auditor, and the County Counsel's office are working with the Director of Dana Point Harbor to resolve any issues. Supervisor Bates has been very diligent over time to be certain she, in fact, is not involved in any conflicts and the Board has seen this reflected in occasional "abstentions" on agenda items.

As I have indicated previously to the Board, this letter is a result of my informing Alisa that I was going to move her to a Department. I think these issues will be relatively easy to deal with.

In all matters referenced in this letter, I have been personally involved in one way or another, and the Board, particularly Supervisors Nguyen and Bates, have behaved in a professional and appropriate fashion, hopefully with my advice and that of some Department Heads as we have gone along the way. This would appear simply to be an attempt to "throw things against the wall".

When a Board member is accused or attacked, particularly in this case where the facts alleged are wrong, I believe I have an obligation to advise as to what actually has occurred. Please contact me if you have any questions.

cc: Nick Chrisos, County Counsel